

# **EXHIBIT 3**

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1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 IN RE: GOOGLE PLAY STORE ANTITRUST LITIGATION  
Case No. 3:21-md-02981-JD  
6

7 THIS DOCUMENT RELATES TO:  
8 Epic Games Inc. v. Google LLC, et al.  
Case No. 3:20-cv-05671-JD  
9

10 In Re: Google Play Consumer Antitrust Litigation  
Case No. 3:20-cv-05761-JD  
11

12 State of Utah, et al. v. Google LLC, et al.  
Case No. 3:21-cv-05227-JD  
13

14 Match Group LLC, et al., v. Google LLC, et al.  
Case No. 3:22-cv-02746-JD  
15

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17

18 DEPOSITION OF MARC S. RYSMAN, PhD,  
19 called as a witness by and on behalf of Google LLC,  
20 pursuant to the applicable provisions of the  
21 Federal Rules of Civil Procedure, before P. Jodi  
22 Ohnemus, RPR, RMR, CRR, CA-CSR #13192, NH-LSR #91,  
23 MA-CSR #123193, and Notary Public, within and for  
24 the Commonwealth of Massachusetts, at 100 Cambridge  
25 Street, Boston, Massachusetts, on Friday, March 10,  
2023, commencing at 9:07 a.m.

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15 Jeanette Teckman, Esq.

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I N D E X

TESTIMONY OF:

PAGE

MARC S. RYSMAN, PhD

(By Mr. Raphael)

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E X H I B I T S		
EXHIBIT	DESCRIPTION	PAGE
Exhibit 1057	Expert Report of Marc Rysman, October 3, 2022	9
Exhibit 1058	Expert Rebuttal Report of Dr. Marc Rysman, December 23, 2022	9
Exhibit 1059	Merits Report of Hal J. Singer, PhD	70
Exhibit 1060	Game Change: The Future of Video Games	189
Exhibit 1061	spreadsheet, AMZ-GP_00002471	358

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1 (Exhibit 1057, Expert Report of Marc  
2 Rysman, October 3, 2022.)

3 (Exhibit 1058, Expert Rebuttal Report of  
4 Dr. Marc Rysman, December 23, 2022.)

5 VIDEO OPERATOR: We are on the record.

6 This is the videographer speaking, Shawn Budd, with  
7 Veritext Legal Solutions. Today's date is March  
8 10th, 2023. The time is 9:07 a.m. We are here in  
9 Boston, Massachusetts, to take the video deposition  
10 of Dr. Marc Rysman in the matter of Google Play  
11 Store Antitrust Litigation.

12 Would counsel please introduce themselves  
13 for the record.

14 MS. WEINSTEIN: Lauren Weinstein on behalf  
15 of the states. With me are my colleagues, Brendan  
16 Glackin and Brendan Benedict.

17 MS. GIULIANELLI: Karma Giulianelli on  
18 behalf of consumers.

19 MR. HARSHBARGER: Tate Harshbarger on  
20 behalf of Match plaintiffs.

21 MR. RAPHAEL: Justin Raphael, Munger  
22 Tolles & Olson, for Google.

23 Is there anyone on the phone?

24 MS. WEINSTEIN: We did telephonic  
25 appearances on the record.

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1 VIDEO OPERATOR: Okay. And would the  
2 court reporter please swear in the witness.

3 MARC RYSMAN, PhD, having  
4 satisfactorily been identified by  
5 the production of a driver's license,  
6 and being first duly sworn by the Notary  
7 Public, was examined and testified as  
8 follows to interrogatories

9 BY MR. RAPHAEL:

10 Q. Good morning.

11 A. Good morning.

12 Q. Would you please state your name for the  
13 record.

14 A. Marc Rysman.

15 Q. Good morning, Doctor Rysman. You've been  
16 deposed a number of times?

17 A. Yes.

18 Q. How many times?

19 A. Five or six times.

20 Q. Okay. Any of those in antitrust cases?

21 A. I don't think I've been deposed in an  
22 antitrust case.

23 Q. Have you ever offered testimony in court  
24 or arbitration in an antitrust case?

25 A. I don't think that the -- the court

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1 MS. WEINSTEIN: Objection to form.

2 A. So in this paragraph I'm setting up an  
3 abstract world where focal point pricing is  
4 important and talking about the economics of focal  
5 point pricing; and I don't mean that to be a  
6 description of what actually happens in -- to apps  
7 on the Google Play Store.

8 Q. Right. But so as a matter of economics,  
9 as you're describe -- you -- let me back up.

10 In this -- in this paragraph you're  
11 referring to economic principles; right?

12 MS. WEINSTEIN: Objection to form.

13 And you can read the full paragraph if  
14 you'd like to answer the question.

15 A. Yes.

16 Q. Yes. Okay. And as a matter of economic  
17 principles, then, what you're saying is that, as a  
18 result of focal point pricing, some firms would not  
19 change price in response to a change in the  
20 commission rate?

21 MS. WEINSTEIN: Objection to form.

22 A. Yes. If focal point pricing is important,  
23 I would expect that.

24 Q. Okay. Do you think that focal point  
25 pricing is important in the context of Android

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1 use a standard logit model without testing whether  
2 the products to which the model was applied are  
3 substitutes?

4 MS. WEINSTEIN: Objection to form.

5 A. I don't know that there needs to be a  
6 formal test, but we would read the paper -- by "we"  
7 I think of, let's say, the editorial staff -- would  
8 read the paper for whether we feel that the model  
9 was a good approximation for what was happening in  
10 the market.

11 Q. And what would you want to see or test to  
12 determine whether the model was a good  
13 approximation for what was happening in the market  
14 in the case of a standard logit model?

15 MS. WEINSTEIN: Objection to form.

16 A. I have the sense -- I have a sense from my  
17 experience as an economist of the general issues  
18 that logit model captures or doesn't capture, and I  
19 would want to think about whether the products in  
20 the market captured that -- that as well.

21 Q. Would it be sufficient for you to  
22 determine that a standard logit model was  
23 appropriate that there was a negative correlation  
24 between price and demand?

25 MS. WEINSTEIN: Objection to form.

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1           A.     Not by itself that wouldn't tell me that  
2     the logit model was appropriate.

3           Q.     Have you ever seen a logit model used to  
4     estimate pass through?

5                   MS. WEINSTEIN:   Objection to form.

6           A.     Yes.

7           Q.     Where?

8           A.     So I'm thinking of general logit-based  
9     models.   So not necessarily the simple logit that  
10    you started with.   We just had a paper presented  
11    this year by Katja Seim presenting at BU studying  
12    pass through, and I edited a pass-through paper at  
13    random.   I'd have to think about whether they used  
14    logit or not.   I have to remember.

15          Q.     The paper that was presented as BU, what  
16    industry was that?

17          A.     I just can't recall.   I'm sorry.

18          Q.     Okay.   Are you familiar with the logit  
19    model that Doctor Singer uses in this case?

20                   MS. WEINSTEIN:   Objection to form.

21          A.     I am not.

22          Q.     Okay.   So you don't know anything about  
23    how Doctor Singer actually calculates the  
24    pass-through rate for any app?

25                   MS. WEINSTEIN:   Objection to form.